

Appl. No.: 09/893,419  
Filed: June 29, 2001  
Amdt. dated 03/01/2006

### REMARKS

This amendment is submitted along with a request for one month extension and appropriate fee in response to the Office Action dated November 1, 2005. Claims 1-4, 6, 8, 11, 12 and 16-27 currently stand rejected and are the only currently pending claims. Applicant has amended independent claims 1, 11 and 25-27 in order to more particularly define patentable aspects of the claimed invention. No new matter has been added by the amendment.

In light of the amendment and the remarks presented below, Applicant respectfully requests reconsideration and allowance of all now-pending claims of the present application.

#### Claim Rejections - 35 USC §103

Claims 1-3, 6, 8, 11, 12, 16-22 and 25-27 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over Keen (U.S. Patent No. 5,638,438) in view of Kemp et al. (U.S. 6,822,634, hereinafter "Kemp"). Claims 4, 23 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Keen in view of Kemp and further in view of Hale et al. (U.S. Patent No. 5,870,689, hereinafter "Hale").

Independent claims 1, 11 and 25-27 have been amended to recite, *inter alia*, an actuator operated to select a first item is never associated with a menu item of a second selection. Thus, according to an exemplary embodiment as recited in the independent claims, the claimed invention provides a feature that prevents inadvertent entry into another menu level if a user accidentally actuates the same actuator twice. Furthermore, selecting a different actuator at each menu level ensures that a sequence of selections form a gesture in which the same actions do not occur in series, which may be advantageous if, for example, the user is making a series of selections, such as entering a series of characters.

Keen is directed to an apparatus having a touch screen in which a hierarchical menu structure can be navigated using the touch screen. The hierarchical menu structure comprises many levels in which each option in a level is associated with either a new menu level or a telephone number. Keen discloses that additional hierarchical repertory is created in response to a current display page being full (see for example col. 7, lines 7-11). Thus, if each level is filled before a subsequent level is created, an actuator operated to select an item at a first level can

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obviously be associated with a menu item at a second level. Thus, there is no teaching or suggestion in Keen that the actuator operated to select the first item is never associated with a menu item of the second selection as claimed in independent claims 1, 11 and 25-27.

Furthermore, Keen is not cited as teaching such feature.

Kemp is directed to a hand held device having a menu base selection system and fails to cure the deficiency of Keen. In Kemp, the menu comprises four levels and there is a respective pushbutton (14a-d) associated with each level. When one of the pushbuttons associated with a menu level is depressed (c.g., 14b as described at col. 3, line 65 to col. 4, line 18), turning the rotary knob (16) would then highlight or change the menu selection associated with that level. To activate a menu choice, the user must press one of the pushbuttons (14a-d). Kemp fails to teach or suggest that the actuator operated to select the first item is never associated with a menu item of the second selection as claimed in independent claims 1, 11 and 25-27. In fact, to the contrary, Kemp suggests that the same actuator may be used at subsequent levels since, as explained in the example of Kemp, if pushbutton 14b is depressed initially at a first level, pushbutton 14b is still an option for selection of an item at the second level.

Hale is directed to a scouting system for an agricultural field. Hale fails to teach or suggest that the actuator operated to select the first item is never associated with a menu item of the second selection as claimed in independent claims 1, 11 and 25-27. Furthermore Hale is not cited as teaching such feature.

Since none of the cited references alone teach or suggest that the actuator operated to select the first item is never associated with a menu item of the second selection as claimed in independent claims 1, 11 and 25-27, any combination of the cited references likewise fails to render independent claims 1, 11 and 25-27 obvious for at least the same reasons described above. Claims 2-4, 6, 8, 12 and 16-24 depend either directly or indirectly from corresponding independent claims 1 and 11, and thus include all the recitations of independent claims 1 and 11. Therefore, dependent claims 2-4, 6, 8, 12 and 16-24 are patentable for at least those reasons given above for independent claims 1 and 11.

Accordingly, Applicants respectfully submit that the rejections of claims 1-4, 6, 8, 11, 12 and 16-27 are overcome.


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### CONCLUSION

In view of the amended claim and the remarks presented above, it is respectfully submitted that all of the claims are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested in due course. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

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